

April 6 2010

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

1 Leanne M. Schraudner  
2 SCHRAUDNER & HILLIER, PLLC  
3 Attorneys at Law  
4 3825 Valley Commons Drive, Suite 5  
5 Bozeman, Montana 59718  
6 Telephone: (406) 586-1643  
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FILED

APR 06 2010

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Attorney for Appellees

## IN THE SUPREME COURT OF THE STATE OF MONTANA

\*\*\*\*\*

VALERIE EMMERSON,

Appellant,

v.

WALLACE C. WALKER and

RANA RAE WALKER,

Appellees.

v.

S. TUCKER JOHNSON,

Appellee.

Case No. DA-09-0487

**APPELLEES WALLACE C. WALKER AND****RANA RAE WALKER'S UNOPPOSED****MOTION FOR EXTENSION OF TIME TO****FILE REPLY BRIEF**


20 Pursuant to Rule 26(2), M.R.App.P., Appellees and Cross-Appellants  
21 Wallace C. Walker and Rana Rae Walker, by and through their attorney of  
22 record, Leanne M. Schraudner, respectfully move this Court for an Order  
23 granting Appellees until April 30<sup>th</sup>, 2010 to file their reply brief. This is  
24 Walker's first request for an extension of time on Walker's reply brief. The  
25 length of the request is approximately two weeks. The brief is currently due  
26  
27  
28

1 on April 14, 2010. The reasons for the requested extension are contained in  
2 the supporting affidavit of Leanne M. Schraudner.

3 The opposing counsel, James Goetz and Karl Knuchel, have been contacted  
4 and they state they have no objection to this motion.  
5

6 A proposed Order is submitted herewith.

7 RESPECTFULLY SUBMITTED the 5<sup>th</sup> day of April, 2010.

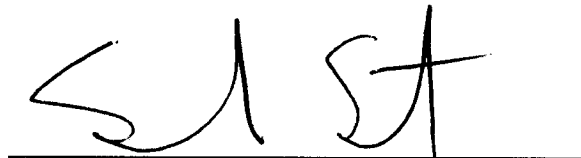
8  
9   
10 Leanne M. Schraudner  
11 Attorney for Appellees

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on the 5<sup>th</sup> day of April, 2010, I served a true and  
14 correct copy of the above and foregoing document upon the following  
15 interested parties by depositing in the United States mail, postage prepaid,  
16 addressed as follows:

16 Karl Knuchel  
17 P.O. Box 953  
18 Livingston, MT 59047  
19 Attorney for Appellant

18 James H. Goetz  
19 Bonnie L. Jarrett  
20 GOETZ, GALLIK & BALDWIN, P.C.  
21 35 North Grand  
22 P.O. Box 6580  
23 Bozeman, MT 59771-6580  
24 Attorney for Johnson

25  
26   
27 Sarah Stone, Secretary  
28

Leanne M. Schraudner  
SCHRAUDNER & HILLIER, PLLC  
Attorneys at Law  
3825 Valley Commons Drive, Suite 5  
Bozeman, Montana 59718  
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VALERIE EMMERSON,  
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WALLACE C. WALKER and  
RANA RAE WALKER,

Appellees.

v.

S. TUCKER JOHNSON,

Appellee.

Case No. DA-09-0487

**AFFIDAVIT OF LEANNE M.  
SCHRAUDNER**

COMES NOW, LEANNE M. SCHRAUDNER, and hereby states upon oath as follows:

1. I am an attorney licensed of practice law in the State of Montana.
2. This affidavit is filed in support of my unopposed motion for extension of time to file reply brief.
3. The brief is currently due April 14, 2010. The length of my request for extension is until April 30, 2010.
4. The request for extension is necessary because the Appellee's reply brief was filed on March 30, 2010, leaving fifteen days for response. That initial fifteen

days falls during a vacation I have had planned for several months where I will be out of state. That vacation begins on April 9, 2010 and I will return to the office Monday, April 18, 2010. During the week leading up to that vacation, I have the regular press of business and am required to complete other legal matters.

5. At the time that Johnson's counsel requested my consent to his request for additional time for his reply brief, I explained that agreeing to Johnson's additional time would result in my reply brief being due during my vacation. As a consequence, Johnson's counsel agreed to consent to a request for additional time for Walker's reply brief. Emmerson's counsel was contacted and he also consents to my request for additional time for the reply brief.

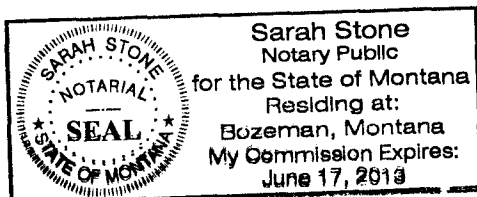
FURTHER YOUR AFFIANT SAYETH NOT.

DATED this 5th day of April 2010.

Leanne M. Schraudner  
Leanne M. Schraudner

STATE OF MONTANA     )  
                                      : ss.  
County of Gallatin     )

Subscribed and sworn to before me this 5th day of April, 2010.



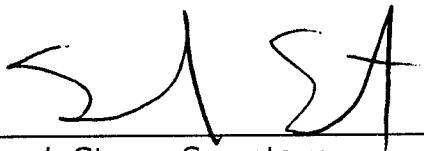
ST  
PRINTED NAME: Sarah Stone  
Notary Public for the State of Montana  
Residing at: Bozeman, MT  
My Commission Expires: June 17, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of April, 2010, a true and correct copy of the foregoing was duly served upon the following by depositing a copy of same in the United States Mail, postage prepaid, and addressed as follows:

Karl Knuchel  
P.O. Box 953  
Livingston, MT 59047  
Attorney for Appellant

James H. Goetz  
Bonnie L. Jarrett  
GOETZ, GALLIK & BALDWIN, P.C.  
35 North Grand  
P.O. Box 6580  
Bozeman, MT 59771-6580  
Attorney for Johnson

  
\_\_\_\_\_  
Sarah Stone, Secretary